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# 2014 CONFLICT OF INTEREST CODE BIENNIAL REVIEW REPLY FORM

CLERK OF THE BOARD

or Contact Person:

Dawn Washburn Telephone Number: (760) 728-1178

Name of Agency: Rainbow Municipal Water District

Mailing Address: 3707 Old Highway 395, Fallbrook, CA 92028

This agency has reviewed its conflict of interest code and has determined that:

**Amendments are necessary:** (Attach Amended Code)

(Check all that applies)



Include new positions (including consultants) which must be designated



Revise the titles of existing positions



Delete titles of positions that have been abolished



Delete positions that manage public investments



Revise disclosure categories



Other \_\_\_\_\_



**No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer:

Chaley Freed

Date:

Aug 26, 14

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2014 to:**

**Clerk of the Board of Supervisors  
(Conflict of Interest Code)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101**

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 12/2/14	Minute Order No. 23
By: [Signature]	Date: 12/2/14
Deputy Clerk of the Board of Supervisors	

Please see the  
attached amended  
Conflict of Interest Code  
and certified copy  
of Ordinance 14-06  
Thank  
you!  
[Signature]



August 26, 2014

Clerk of the Board of Supervisors  
1600 Pacific Highway, Room 402  
San Diego, CA 92101

RE: Biennial Review Reply Form and Amended Conflict of Interest Code for Rainbow  
Municipal Water District

To Whom It May Concern:

Please find enclosed the Biennial Review Form, an amended copy of the Conflict of Interest Code, and certified copy of Ordinance No. 14-06 as approved by the Rainbow Municipal Water District Board of Directors at their August 26, 2014 regular board meeting.

If you require additional information or have any questions, please feel free to contact me at (760) 728-1178 Ext. 129. Thank you in advance for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn M. Washburn". The signature is fluid and cursive, with a large initial "D" and "W".

Dawn M. Washburn  
Executive Assistant

/dmw

**Section 1.02.020**  
**Conflict of Interest**

**1.02.020.01** The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

**1.02.020.02** Therefore, the terms of 2 California Code of **Regulations Section 18730** and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions, and establishing disclosure requirements, shall constitute the conflict of interest code of the Rainbow Municipal Water District.

**1.02.020.03** Individuals holding designated positions shall file their Statements of Economic Interest with Rainbow Municipal Water District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Board Members and designated positions, the original of these statements shall be forwarded to the County Board of Supervisors. Copies of these statements will be maintained at the District office. Originals of all other non-designated positions will be maintained at the District office.

**Appendix A**  
**Rainbow Municipal Water District Conflict of Interest Code**

**Preamble**

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from Rainbow Municipal Water District's General Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, Rainbow Municipal Water District may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Rainbow Municipal Water District may bring against the requesting party under Government Code section 91003.5.

## Part I - Designated Positions

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of the Board of Directors	All
General Manager	All
General Counsel	All
Financial Manager	2
District Engineer	2
Operations Manager	2
Standing District Committee Members	2
<sup>1</sup> Consultants	2

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<sup>1</sup> With respect to consultants, the General Manager may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection by Rainbow Municipal Water District in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

W:\BOARD\Board Secretary\Administrative Code Working File\Board Admin Code 2005-2006\Conflict of Interest 1.02.020.doc\\ Approved Ordinance 05-07\8-3-05\Amendment Approved 20060721 by Resolution 06-10\Approved 11-17-06 by Ordinance 06-09\Amendment Approved 20080826 by Resolution 08-10\ Approved 10-28-08 by Ordinance No. 08-11\Amendment Approved 20120626 by Ordinance No. 12-02\Amendment Approved 20130423 by Ordinance No. 13-04\Amendment Approved 20140422 by Ordinance No. 14-02\Amendment Approved 20140826 by Ordinance No. 14-06

## **Part II - Disclosure Categories**

### **Category 1.**

A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Title insurance and escrow
- Construction supplies, service or equipment
- Engineering and surveying services
- Land development services

### **Category 2.**

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to Rainbow Municipal Water District and is associated with the job assignment or position of the designated employee or person.

**Appendix B**  
**Statement of Duties of Employees of**  
**and Consultants to Rainbow Municipal Water District**

Members of the Board of Directors

The Board of Directors acts as the Rainbow Municipal Water District's governing body. Members of the Board of Directors formulate general policy and programs of Rainbow Municipal Water District, and each member of the Board of Directors therefore is designated.

General Manager

General Manager oversees the day-to-day operations of Rainbow Municipal Water District. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

General Counsel

General Counsel, currently hired on a contract basis, advises Rainbow Municipal Water District on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to Rainbow Municipal Water District, and compliance with applicable laws and regulations. He or she participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and therefore is designated.

Financial Manager

An employee of the Rainbow Municipal Water District, the Financial Manager is Rainbow Municipal Water District's Chief Financial Officer and helps manage the finances of Rainbow Municipal Water District. The Financial Manager makes reports from time to time on the financial results of operations of Rainbow Municipal Water District, and recommends fiscal policies to the Board of Directors. The Financial Manager "manages public investments" within the meaning of applicable regulations. He or she therefore is designated.

District Engineer

The District Engineer provides engineering services and oversight to Rainbow Municipal Water District, including implementation of capital replacement projects. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of engineering and is therefore designated.

Operations Manager

An employee of Rainbow Municipal Water District, the Operations Manager oversees the operation and maintenance of the water and wastewater lines and structures. He or she participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of operations and maintenance and is therefore designated.

### Auditor

Rainbow Municipal Water District has contracted with one or more accounting firms to handle financial audits of Rainbow Municipal Water District's finances and investments. These firms implement decisions of the Rainbow Municipal Water District's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of Rainbow Municipal Water District, and also do not "manage public investments" within the meaning of applicable regulations. Therefore, designation is not required.

### Standing District Committee Members

A member or alternate committee member of a Rainbow Municipal Water District standing committee serves at the pleasure of the Board. These committees are advisory to the Board with regard to matters within their respective areas of responsibility. A committee has jurisdiction to consider and make a recommendation to other committees and to the Board regarding any item of business within the responsibility of the committee. Committee recommendations shall be communicated to the Board. A committee may consider other matters referred to it by the Board. Therefore, standing district committee members shall be considered non-designated positions and will file Statements of Economic Interest forms with the District only for public review and information purposes.



**Ordinance No. 14-06**

**Ordinance of the Board of Directors of the Rainbow Municipal Water District Amending Section 1.02.020 Conflict of Interest Code of the Administrative Code of the Rainbow Municipal Water District**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

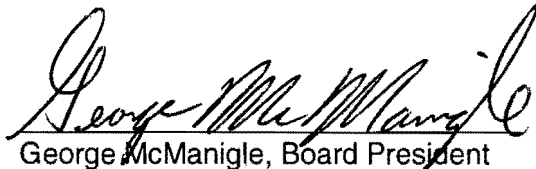
1. The following rules and regulations of the District, collected and attached hereto are hereby adopted and should be added to the Administrative Code. The list of the revised Sections is as follows:

**Section 1.02.020 Conflict of Interest Code**

2. The Board Secretary is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This Ordinance shall take effect immediately upon its adoption on this 26<sup>th</sup> day of August, 2014.

<b>AYES:</b>	Directors Brazier, Griffiths, Lucy, McManigle, and Sanford
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

  
George McManigle, Board President

**ATTEST:**  
  
Dawn Washburn, Board Secretary

SECRETARY'S CERTIFICATE

I, Dawn Washburn, Secretary of the Board of Directors of the Rainbow Municipal Water District, County of San Diego, California, hereby certify as follows:

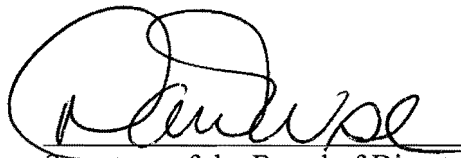
The attached is a full, true and correct copy of a ordinance adopted at a meeting of the Board of Directors of the District duly held at the regular meeting place thereof on August 26, 2014, by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, McManigle, and Sanford  
NOES: None  
ABSTAIN: None  
ABSENT: None

An agenda of the meeting was posted at least 72 hours before the meeting at 3707 Old Highway 395, Fallbrook, California, a location freely accessible to members of the public, and a brief description of the ordinance appeared on the agenda.

The ordinance has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: August 26, 2014

  
Secretary of the Board of Directors of the  
Rainbow Municipal Water District